

1 IN THE UNITED STATES DISTRICT COURT

2  
3 FOR THE EASTERN DISTRICT OF MICHIGAN

4 DAVID GEORGE SWEIGERT

5 Plaintiff,

6 vs.

7 MULTIMEDIA SYSTEM DESIGN, INC.  
8 D/B/A

9 CROWDSOURCE THE TRUTH

10 ODYSEE HOLDINGS, INC.

11 LBRY, INC.

12 Defendants

Case 2:22-cv-10642-GAD-EAS

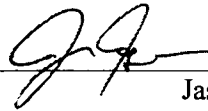
**MOTION FOR RECONSIDERATION**

15  
FILED  
JUL 27 2022  
CLERK'S OFFICE  
U.S. DISTRICT COURT

13  
14 For the reasons set forth in the concurrently filed memo in support of this  
15 Motion, Pro Se Intervenor Applicant Jason Goodman comes now, by and for himself on  
16 his own behalf to respectful request the Court reconsider its order denying the motion to  
17 intervene.  
18

19  
20  
21 Signed this 26<sup>th</sup> day of July 2022

22 Respectfully submitted,  
23

24 

25 Jason Goodman, Pro Se  
26 252 7<sup>th</sup> Avenue Apt 6s  
27 New York, NY 10001  
28 (323) 744-7594

[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)

MOTION FOR RECONSIDERATION - 1

**CERTIFICATE OF SERVICE**

I, hereby certify, under penalties of perjury, that a true copy of the accompanying document has been filed via FedEx and served upon the parties below via USPS and email on July 26, 2022.

David George Sweigert  
AMERICA'S RV MAILBOX, PMB 13339  
514 Americas Way  
Box Elder SD 57719

ODYSEE HOLDINGS, INC. julian@odysee.com  
LBRY, INC. josh@lbry.io  
Signed this 26<sup>th</sup> day of July 2022

Respectfully submitted,



Jason Goodman, Pro Se  
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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN

DANIEL GEORGE SWEIGERT

Plaintiff,

vs.

MULTIMEDIA SYSTEM DESIGN, INC.

D/B/A

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Defendants

Case 2:22-cv-10642-GAD-EAS

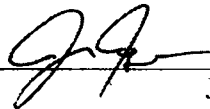
**MEMORANDUM IN SUPPORT OF  
MOTION FOR RECONSIDERATION**

INTERVENOR APPLICANT JASON GOODMAN'S MEMORANDUM IN SUPPORT OF  
THE MOTION FOR RECONSIDERATION

Pro se intervenor applicant Jason Goodman ("Goodman") comes now by  
and for himself on his own behalf to provide this memorandum in support of the motion for  
reconsideration.

Signed this 26<sup>th</sup> day of July 2022

Respectfully submitted,



Jason Goodman, Pro Se  
252 7<sup>th</sup> Avenue Apt 6s  
New York, NY 10001  
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MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 1

## INTRODUCTION

It is widely held that motions for reconsideration, especially those filed by pro se litigants, are looked upon unfavorably by the Court. Indeed, a mere rehashing of facts or a statement of a movant's dissatisfaction with a duly adjudicated outcome is never appropriate. Moving the Court to review a carefully considered conclusion is not a step to be taken lightly, and that is not done so here. Respectfully, however, the Court has relied upon case law and facts that are incongruent with the fact pattern in this instant action and as such, the Court's conclusion does not apply in this case and must be reconsidered to grant Goodman intervention by right.

To have a motion for reconsideration favorably evaluated by the Court, the moving party must (1) file its motion on time, 1 and (2) satisfy certain minimum standards for review. Sutherland v. Mizer, 2007 WL 3197185, at \*1 (E.D. Mich. Oct. 26, 2007) (Exhibit 1). Those standards are set forth in E.D. Mich. LR 7.1: "The movant must not only demonstrate a palpable defect by the which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1 (h)(3); Betts v. Costco Wholesale Corp., 2008 WL 94668, at \*1 (E.D. Mich. Jan. 9, 2008) (Exhibit 2). A "palpable defect" is an error which is obvious, clear, unmistakable, manifest, or plain. Fleck v. Titan Tire Corp., 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001). There are such palpable defects here.

In each case cited by the Court in its denial of the motion, the corporate entity being sued was a going concern with assets, officers, and employees. This does not match the fact pattern in this case and as such, the cited case law cannot apply. The unique aspect of this case, where Goodman is not an employee of the corporate defendant and was not at any time during this instant action, must be considered and does not match any existing case law cited by the Court. In this case, a deceptive, vexatious litigant who has engaged in fraud on this court in the recent

MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 2

1 past has leveled facially implausible claims that the Court wrongfully accepts as true. Plaintiff  
2 must be compelled to provide evidence to substantiate the claim that Goodman is an employee of  
3 the corporate defendant, which plaintiff will fail to do.

4  
5 Judge Drain's refusal to accept and acknowledge irrefutable evidence of malpractice by  
6 the clerks that is likely to prove criminal wrongdoing can no longer be ignored. Judge Drain has  
7 taken extraordinary steps to block and ignore this evidence of devastating criminal activity that  
8 has prevented Goodman from accessing justice at the Court.

9  
10 In what can only be construed as protecting the clerks by obstructing the evidence, Judge  
11 Drain continues to violate Goodman's First Amendment rights by brazenly attempting to police  
12 his telephone interactions with members of the public and public servants, as well as diabolically  
13 disrupting Goodman's right to access the Court. Judge Drain has wrongfully imposed an  
14 onerous monetary and temporal fine on Goodman forcing him to use US mail or Federal Express  
15 to file while the vexatious Plaintiff and every other member of the public retain ready access to  
16 the free and instant Pro Se Electronic Filing portal provided by the Court. It cannot be  
17 overlooked that the very electronic filing process Judge Drain has illegally barred Goodman  
18 from accessing is itself a component of what Goodman has alleged are criminal acts by Richard  
19 Louri ("Louri"), the Plaintiff in this instant action and other parties.  
20

## 21 BACKGROUND

22  
23 The Court is aware that Plaintiff David George Sweigert ("Sweigert") is a vexatious  
24 litigant who has repeatedly sued Goodman with defective claims for the past five years.  
25 Sweigert has voluntarily dismissed two lawsuits against Goodman. On both occasions the  
26 withdrawal occurred just as the Plaintiff was about to have his "day in court". On information  
27 and belief, Goodman alleges this pattern and practice is not a coincidence but rather a planned  
28  
MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 3

1 outcome. Swigert's intention is to merely harass and torment Goodman with expensive and time  
2 consuming, frivolous, and vexatious litigation. Sweigert has repeatedly demonstrated that he has  
3 no legitimate injury and no legitimate intent to cure any. Sweigert is adept at forming claims and  
4 fabricating legal action to financially abuse Goodman at the expense of the U.S. District Court  
5 system. Judge Drain's compliance with this gross abuse cannot continue. On March 1, 2022,  
6 Plaintiff voluntarily withdrew Sweigert v Goodman (See 1:18-cv-08653-VEC-SDA Document  
7 381). Displaying his intention to renew the same defective claims in this instant action only days  
8 later, Sweigert immediately moved the Court to reconsider its dismissal with prejudice. This  
9 outrageous motion drew the ire of Judge Valerie Caproni who admonished Sweigert, informing  
10 him that his attempts at "judicial gamesmanship" would not be tolerated. (EXHIBIT A)

11  
12  
13 Sweigert and his brother George Webb Sweigert ("Webb") who is also familiar to this  
14 Court, wasted no time in bringing new vexatious action against Goodman. Sweigert v Goodman  
15 Case 2:22-cv-10002-GAD-KGA was transferred by Judge Drain to the Southern District of New  
16 York on April 1, 2022. Not satisfied with just one lawsuit against Goodman and relying on the  
17 classic military strategy of a "pincer attack" Sweigert also filed this instant action with the Court  
18 on March 25, 2022. Goodman was not an employee of Multimedia System Design, INC.,  
19 ("Multimedia") at any time during this instant action. Even during the time of his employment  
20 as CEO, Multimedia did not have control over, or ownership of creative works or legal filings  
21 made by Goodman. The notion that Goodman could make legal filings on behalf of Multimedia  
22 defies the very doctrine the Court relies upon in blocking Goodman from mounting his own  
23 defense now and demonstrates that Plaintiff's claims are facially implausible. Multimedia has  
24 not had any employees, officers, or business activity at any time during this instant action.  
25  
26  
27  
28

1           Shortly after the transfer to SDNY, the honorable BARBARA MOSES, U.S Magistrate  
2 Judge scheduled a pre-trial conference. Prior to the conference, Webb made an improper ex  
3 parte communication, requesting a telephonic conference (*See* Case 1:22-cv-02788-LGS-BCM  
4 ECF No. 69). This request echoes that of Sweigert's recent motion for telephonic conference in  
5 this instant action (ECF No. 48). When Judge Moses denied the request to appear telephonically,  
6 two schizophrenic motions followed immediately. The first nonsensical motion sought to  
7 transfer the venue back to the Eastern District of Michigan, where it had already been transferred  
8 from. (See Case 1:22-cv-02788-LGS-BCM Document 70). The second, was a voluntary  
9 dismissal that was quickly granted (*See* Case 1:22-cv-02788-LGS-BCM Document 71).  
10

11           On information and belief, Goodman alleges both motions in that matter were  
12 ghostwritten and filed by Sweigert on behalf of Webb. The pattern and practice that was  
13 established in Sweigert v Cable News Network (Case 2:20-cv-12933-GAD-KGA) continues now  
14 with Judge Drain's tacit approval. Judge Drain makes a mockery not only of this honorable  
15 Court but of Judge Valerie Caproni as well by allowing Sweigert to continue his judicial  
16 gamesmanship despite her standing order. Judge Drain's refusal to examine evidence in the  
17 Court's possession that is likely to prove criminal malfeasance by the clerks can no longer be  
18 ignored. Judge Drain's insistence on blocking evidence, infringing Goodman's inalienable  
19 rights, and declining to investigate well founding claims make him complicit with malpractice.  
20 This gross display of bias should mandate recusal unless the Judge immediately reverses course  
21 and applies the Court's inherent power to examine wrongdoing by its own employees.  
22

#### 23           **CLEAR ERRORS IN ORDER DENYING INTERVENTION**

24           To overlook drastic differences between cited case law and this instant action would be a  
25 clear error. In each case cited by the Court in the Order, the corporate litigants in question were  
26  
27  
28  
MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 5



1 going concerns with officers, executives, and ongoing business activity. This is not the case  
2 here. Multimedia is a dormant New York Corporation that has no bank account, no employees,  
3 no officers, no business activity, and no way to hire counsel to defend either itself or Goodman's  
4 interests. These important differences distinguish this from each case cited by the Court in its  
5 order. In *Luma v. Dib Funding, Inc.*, as cited by the Court, CEO Adam Petty ("Petty") had first  
6 filed a motion seeking an extension of time to find an attorney, then filed a second motion for an  
7 additional extension of time. Only after failing to retain counsel and filing a motion to intervene  
8 that was not timely did the Court determine Petty's effort was a "thinly veiled attempt to  
9 circumvent the well established principle" related to representation of corporations. It is worth  
10 noting that Dib Funding, INC., remains active today and still lists Petty as its CEO, a distinction  
11 that differentiates this case. **(EXHIBIT B)**

14 Even if the Court disagrees with the above points, prior to ruling on any of Goodman's  
15 filings, the Court would have been well within the scope of its inherent power to recognize this  
16 sham litigation for what it is and to dismiss it sua sponte while declaring Sweigert a vexatious  
17 litigant. The record is replete with evidence sufficient to make such a finding and failure to do  
18 so is a clear demonstration of bias against Goodman and in favor of the Plaintiff.

20 The order also incorrectly states "Mr. Goodman has continued trying to file documents  
21 through improper channels. See ECF Nos. 52, 53". This is totally incorrect. Immediately upon  
22 arriving at a clear understanding of the prior illegal order, Goodman complied and sent ECF Nos.  
23 52 and 53 by FedEx in compliance with the filing method ordered by the Court. In the Order  
24 denying intervention, the Court restates its previous illegal ruling that Goodman "may still mail  
25 documents to the Court, but as the undersigned previously explained, Mr. Goodman is precluded  
26 from filing documents through the pro se portal." ECF No. 52 and 53 were filed via Federal  
27

28 MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 6



1 Express at enormous cost to Goodman, this is another palpable error in the Order mandating its  
2 reconsideration.

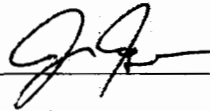
3 The Court has not cited a prior case in which a dormant corporation with no employees,  
4 officers or assets was compelled to hire counsel. Multimedia is a dormant corporation that does  
5 not employ Goodman and has no resources or internal corporate structure sufficient to defend its  
6 own interests. Sweigert selected this defendant for a fraudulent purpose to harass and torment  
7 Goodman and not to cure any legitimate injury. The Court should compel the Plaintiff to  
8 provide evidence to substantiate his facially implausible claims that a dormant corporation with  
9 no officers or employees made statements and legal filings that only a natural person could  
10 make. All evidence pertaining to the corporation in question as provided by the plaintiff is  
11 several years old and does not support the facially implausible, already denied with prejudice  
12 claims as stated in the Amended Complaint.  
13  
14

15 **CONCLUSION**

16 For the reasons stated above, the Court must reconsider its previous order and correct the  
17 clear errors before this matter can proceed. Goodman must be allowed to intervene by right  
18 pursuant to Fed. R. Civ. P Rule 24(a)  
19  
20

21 Signed this 26<sup>th</sup> day of July 2022

22 Respectfully submitted,  
23

24 

25 Jason Goodman, Pro Se  
26 252 7<sup>th</sup> Avenue Apt 6s  
27 New York, NY 10001  
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[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)

MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION - 7

**CERTIFICATE OF SERVICE**

I, hereby certify, under penalties of perjury, that a true copy of the accompanying document has been filed via FedEx and served upon the parties below via USPS and email on July 26, 2022.

David George Sweigert  
AMERICA'S RV MAILBOX, PMB 13339  
514 Americas Way  
Box Elder SD 57719

ODYSEE HOLDINGS, INC. julian@odysee.com  
LBRY, INC. josh@lbry.io  
Signed this 26<sup>th</sup> day of July 2022

Respectfully submitted,



Jason Goodman, Pro Se  
252 7<sup>th</sup> Avenue Apt 6s  
New York, NY 10001  
(323) 744-7594  
[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)

**(EXHIBIT A)**

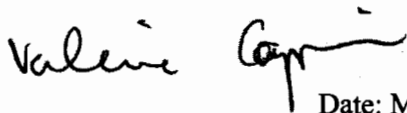
Mr. Sweigert's motion for reconsideration of the Court's orders dismissing his claims with prejudice is DENIED. After almost four years of litigation, 381 filings, and on the eve of trial, Mr. Sweigert voluntarily withdrew his claims in this action. See Mem. of Law, Dkt. 378 ("[W]ith this motion the Plaintiff surrenders all his claims with regards to defamation and defamation per se in favor of adjudication addressed by NYCRL Sec. 50 and 51."); Notice, Dkt. 380 ("[T]he pro se non-attorney Plaintiff hereby withdraws and surrenders all claims with regards to New York's Civil Rights Law (NYCRL) Section 50 and 51.").

"[I]f the plaintiff either moves for dismissal without prejudice or fails to specify whether the request is for dismissal with or without prejudice, the matter is left to the [court's] discretion .... The trial court may grant a Rule 41(a) dismissal without prejudice or may require that the dismissal be with prejudice." *Corrado v. New York State Unified Ct. Sys.*, 698 F. App'x 36, 37 (2d Cir. 2017) (citing 9 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 2367). Moreover, "[v]oluntary dismissal without prejudice is ... not a matter of right." *Id.* (quoting *Zagano v. Fordham Univ.*, 900 F.2d 12, 14 (2d Cir. 1990)).

The Court construed Mr. Sweigert's voluntary withdrawal of his claims as a request for dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Court found a dismissal with prejudice to be appropriate. Mr. Sweigert's claims were ripe for trial: multiple motions had been resolved, discovery had been completed, and the trial was scheduled. If the Court had dismissed Mr. Sweigert's claims without prejudice, he would be free to refile his claims in other courts and start the process from the beginning. If Mr. Sweigert truly wished to pursue his claims, he should have continued this case. The Court will not tolerate judicial gamesmanship; Mr. Sweigert does not get a judicial mulligan.

The Clerk of Court is respectfully directed to close the open motion at docket entry 382. The Clerk is further requested to mail a copy of this endorsement to the *pro se* Defendant and to note the mailing on the docket.

SO ORDERED.



Date: March 23, 2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

**(EXHIBIT B)**


7/26/22, 2:42 PM

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## DIB FUNDING INC

Company Number

801989799

Previous Company Numbers

- 07278X

Incorporation Date

19 January 2017 (over 5 years ago)

Company Type

DOMESTIC PROFIT CORPORATION

Jurisdiction

[Michigan \(US\)](#)

Registered Address

- 11565 EDGERTON AVE NE 1 ROCKFORD MI 49341
- United States

Agent Name

ADAM T PETTY

Agent Address

11565 EDGERTON AVE NE 1, ROCKFORD, MI, 49341

Directors / Officers

- [ADAM PETTY](#), president
- [ADAM PETTY](#), treasurer
- [ADAM PETTY](#), secretary
- [ADAM PETTY](#), director
- [ADAM T PETTY](#), agent



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JASON GOODMAN

252 7TH AVENUE

NEW YORK, NY 10001  
UNITED STATES US

SHIP DATE: 26 JUL 22  
ACTWGT: 1.00 LB  
CAD: 3250894/NET4400

BILL SENDER

TO JULIE OWENS OPERATIONS SUPERVISOR  
U.S. DISTRICT COURT MIED  
231 W. LAFAYETTE, 5TH FL  
CLERK'S OFFICE  
DETROIT MI 48226

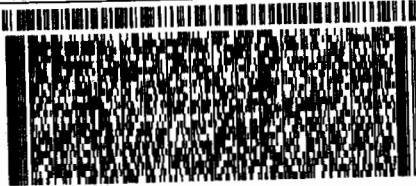
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